

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 567, FOOD AND DRUGS ACT.

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### MISBRANDING OF PRESERVES.

On or about June 25, 1909, Joseph Middleby, jr., Incorporated, Boston, Mass., shipped from the State of Massachusetts into the State of Pennsylvania a quantity of a food product labeled "Lyon Brand Raspberry and Apple (Compound) Made from Raspberries 20%, Granulated Sugar 20%, Corn Syrup 45%, Apple Juice 15% Preserved with 1/10 of 1% Sodium Benzoate Artificially Colored Jos. Middleby, Jr., Inc., 337-347 Summer St., Boston, Mass. The Daylight Factory. Guaranteed by Jos. Middleby, Jr., Inc., under the Food and Drugs Act of June 30, 1906 Serial No. 1879."

A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Joseph Middleby, jr., Incorporated, and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts, charging the above shipment, and alleging that the product was misbranded, in that the statement appearing in the label above set forth that the product contained "Corn Syrup 45%" was false and misleading, because, in truth and in fact, the said product contained more than 45 per cent of corn syrup.

Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 17, 1910.*